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May 4, 1962
Letter Opinion No 62-53-L

REQUESTED BY: W. L. "Tay" Cook, Speaker
House of Representatives

OPINION BY: ROBERT W. PICKRELL
The Attorney General

QUESTION: Do teachers come under tenure
who are teaching in public
accommodations schools?

CONCLUSION: No.

In answering your request the County School Superintendent is authorized to operate accommodation schools pursuant to A.R.S. §15-911 et seq. and pursuant to A.R.S. §15-1011 et seq.

The former provisions relate to the operation of an accommodation school on a military reservation and the latter provisions to the operation of an accommodation school pursuant to the homebound act.

The provisions of the teachers tenure law are contained in A.R.S. §§15-251 to 15-260, inclusive. A.R.S. §15-251 provides under "Definitions" that a continuing teacher is specified as a certificated teacher "... who is employed under contract in a school district. . . and whose contract has been renewed for his fourth consecutive year of such employment in the district", and a probationary teacher is defined as a "certificated teacher who is employed under contract by a school district. . . and who is not a continuing teacher." Within the statute, a school board or governing board is defined as "... the board of trustees of an elementary school district or the board of education of a high school district", and the superintendent is stated to mean the "... superintendent of schools of a school district."

The following statutes relate to the renewal of contracts of probationary or continuing teachers, notice of dismissal, and a hearing on dismissal, and appeals from the decision of the school board, A.R.S. §§15-252 to 15-255 inclusive. These statutes and the subsequent statutory provisions all relate to teachers under contract with a school district. Therefore, our conclusion is that the tenure law is only applicable to teachers employed by school districts and is not applicable to accommodation schools operated by the County School Superintendent.

ROBERT W. PICKRELL
The Attorney General

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